REMARKS

Claims 31, 32, 34 and 35 are pending in the application. Claims 1-30 and 37-42 have been withdrawn and claims 33 and 36 have been canceled. Claims 31, 32, 34, and 35 stand rejected.

Claims 31 and 32 have been amended to make them independent. In addition, Claim 31 has been amended to clarify that the method is for treating a mammal suffering from an adenocarcinoma and that the antibody comprises a heavy chain variable region comprising the amino acid sequence of SEQ ID NO: 19 and the light chain variable region comprising the amino acid sequence of SEQ ID NO: 6. Support for the amendment can be found in paragraphs 329-332, for example. Claim 32 has been amended to clarify that the method is for treating a mammal suffering from an adenocarcinoma and that the antibody comprises a heavy chain variable region comprising the amino acid sequence of SEQ ID NO: 21 and the light chain variable region comprising the amino acid sequence of SEQ ID NO: 8. Support for the amendment can be found in paragraph 269, for example. It is believed that no new matter has been added by the amendment.

Claims 31, 32, 34 and 35 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to satisfy the enablement and written description requirements. The Office action did indicate that claims directed to the treatment of adenocarcinoma with an antibody containing a heavy chain variable region comprising the amino acid sequence of SEQ ID NO: 19 and a light chain variable region comprising the amino acid sequence of SEQ ID NO: 6 satisfied the enablement and written description requirements. Consequently Claim 31 has been amended in accordance with the guidance provided in the Office action. Similarly, the Office action indicated that claims directed to the treatment of adenocarcinoma with an antibody containing a heavy chain variable region comprising the amino acid sequence of SEQ ID NO: 21 and a light chain variable region comprising the amino acid sequence of SEQ ID NO: 8 would satisfy the enablement and written description requirements and Claim 32 has now been amended accordingly. Thus, it is submitted that the rejection should be withdrawn.

Claims 31, 32, 34 and 35 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Ammons*. Applicants request that this rejection be reconsidered and withdrawn for

the following reasons. The subject matter as claimed, is not disclosed in the cited reference. Applicants submit that, according to MPEP 2133.03(a) II, mere knowledge of the invention by the public does not warrant rejection under 102(b), !02(b) bars public use or sale, not public knowledge. *Ammons* is not a public use nor is it a public sale and Applicants submit that the invention as claimed was not publicly disclosed. Specifically, Applicants submit that no sequence information is inherent in the disclosure of the generalized name of a molecule such as, ING-1(heMAb).

Claims 31, 32, 34 and 35 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by *XOMA A Leader in Therapeutic Antibodies* and by *Better et al.* Applicants submit that the claimed invention was not publicly disclosed. Specifically, Applicants submit that no sequence information is inherent in the disclosure of the generalized name of a molecule such as, ING-1(heMAb). Moreover, the work described in the cited publications was carried out by the inventors of the claims in the present application and therefore the work was not known by others or described in a printed publication before the invention by the present applicants, as would be required to support a rejection under 35 U.S.C. § 102(a). Therefore, Applicants request that the rejection be withdrawn.

Applicants have made an earnest effort to place the application in form for allowance and request that the application be passed to issue. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,
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